

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
MAY 22 2006

[Signature]
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER AUSTAD,

Defendant.

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CR. 06-50022

ORDER

Pending is the Defendant's Motion for Mental Evaluation (Doc. 10) and the Government's Oral Motion which request the court enter its order under 18 U.S.C. §§ 4241(a) and 4242(a) seeking an order directing the defendant, Christopher Austad, to submit to a psychiatric or psychological examination to determine (1) the defendant's sanity at the time of the offense, and (2) the defendant's present competency. The defendant has filed a notice pursuant to Rule 12.2 of the Federal Rules of Criminal Procedure giving notice of his intention to use the defense of insanity at the time of the conduct alleged in the petition.

Accordingly, good cause appearing, it is hereby

ORDERED that the Defendant's Motion for Mental Evaluation (Doc. 10) and the Government's Oral Motion are GRANTED. It is further

ORDERED that any and all existing medical records relevant to his mental condition be disclosed forthwith to the Bureau of Prisons facility where the mental examination will take place. It is further

ORDERED that Defendant is committed to the custody of the Attorney General, and that the United States Marshals Service transport the defendant to such Bureau of Prisons facility as is capable of performing such psychiatric examination and preparing such report as required pursuant

to 18 U.S.C. § 4247(b) and (c) or in the alternative to such private facility with like capability and further that after examination a report be prepared pursuant to 18 U.S.C. § 4247(b) and (c) and that the report address:

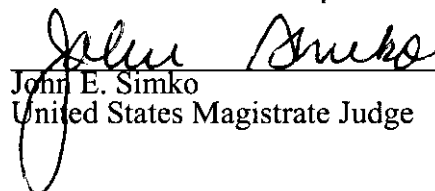
1. Whether the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

2. Whether the defendant as a result of severe mental disease or defect was unable to appreciate the nature and quality or wrongfulness of the act as alleged in the pending indictment.

It is further ORDERED that the terms of 18 U.S.C. § 4247(b) and (c) shall be complied with. **The evaluating professional shall contact the court with his or her preliminary opinion(s) as soon as the evaluation has been completed. The evaluation report shall be completed and forwarded to the court on or before fifty (50) days after defendant's arrival at the examining facility. The United States Marshal's Service is ordered to ensure Defendant remains at the evaluating facility until further order of the court.**

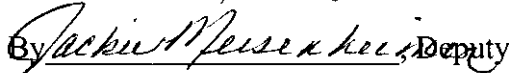
Dated this 22nd day of May, 2006.

BY THE COURT:



John E. Simko
United States Magistrate Judge

ATTEST:
JOSEPH HAAS, Clerk

By , Deputy

NOTE TO THE UNITED STATES MARSHAL AND THE BUREAU OF PRISONS:

Defendant shall remain at the evaluating facility until further order of the court.